

REMARKS

In response to the Office Action dated August 7, 2007, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented here are in condition for allowance.

Claims 1-14 are pending in the present application. Claims 5-12 have been previously withdrawn from consideration. The Examiner has previously acknowledges Applicants' election of claims 1-4, and therefore, claims 5-12 have been withdrawn from consideration. Claims 1-4 and 13-14 remain pending or further consideration upon entry of the present response. No new matter has been added. Applicants respectfully request reconsideration of claims 1-4 and 13-14 based on the following remarks.

Claim Rejections Under 35 U.S.C. §103

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a *prima facie* case of obviousness, i.e., that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claims 1-4 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kim (U.S. Patent No. 6,624,871, hereinafter "Kim") in view of Morozumi (U.S. Patent No. 4,862,237, hereinafter "Morozumi"). The Examiner states that Kim discloses all of the elements of the abovementioned claims except, *an insulating substrate*, which the Examiner further states is disclosed primarily in column 6, line 66 through column 7, line 4 of Morozumi. Applicants respectfully traverse.

In particular, the Examiner states on pages 2-3 of the Detailed Action that Kim discloses with respect to FIG. 4A "an etching assistant pattern (39, fig. 4A) located out of an area (out of the area due to the pattern not covering the gate line) defined by intersections of the gate line and the data line (col. 4, lns. 58)."

However, referring to FIG. 3 of Kim, it is seen that the etch stop layer 38 is disposed in an area defined by the intersection of the gate line 31L and data line 35L. More specifically, FIG. 3 of Kim discloses that the etch stop layer 39 covers the gate, source and drain electrodes 35G, 35S and 35D, respectively, located inside the area defined by intersection of the gate line 31L and data line 35L. Moreover, Kim discloses in FIGS. 3, and 4A relied upon by the Examiner, the etch stop layer 39 disposed over and following the path of the data line 35L and disposed over and intersecting the gate line 31L.

Moreover, it is respectfully submitted that claim 1 has been amended to recite, *inter alia*, wherein the etching assistant pattern is extended from the semiconductor layer. According to amended claim 1, the etching assistant pattern is extended from the semiconductor layer such that the etching assistant pattern is the same layer as the semiconductor layer. In addition, the etching assistant pattern is located on the outside of the TFT. However, the cited prior art does not disclose, teach or suggest wherein the etching assistant pattern is extended from the semiconductor layer, as recited in amended independent claim 1.

Therefore, it is respectfully submitted that neither Kim nor Morozumi, either alone or in combination, teach or suggest, an etching assistant pattern located out of an area defined by intersections of the gate line and the data line, as in claim 1. Thus, independent claim 1, including claims depending therefrom, i.e., claims 2-4 and 13-15, define over Kim in view of Morozumi.

Further, Kim discloses in FIG. 4A relied upon by the Examiner that the etch stop layer 39 is located inside a pixel area defined by intersections of the gate line 31L and the data line 35L, and does not teach or suggest the etching assistant pattern is located **outside** of a pixel area, as in claim 13. In addition, Kim discloses in FIG. 4A relied upon by the Examiner that the etch stop layer 39 is formed on a passivation layer 36, and does not teach or suggest the etching assistant pattern is **formed directly on the gate insulating layer**, as in claim 14. Lastly, Kim discloses in FIG. 4A relied upon by the Examiner that the etch stop layer 39 and the semiconductor layer 33 formed on two different layers, and does not teach or suggest an etching assistant pattern **made of the same layer as the semiconductor pattern**, as in claim 1.

Therefore, it is respectfully submitted that new claims 13-14, as well as claims 1-4, are allowable for at least these additional reasons.

Accordingly, it is respectfully requested that the rejection to claims 1-4 under § 103(a) be withdrawn and allow claims 1-4 and 13-14 to issue.

Response to Arguments

On page 4 of the Detailed Action, the Examiner states that the claim language “an etching pattern... and located out of an area defined by intersections of the gate line and the data line”, only requires that the etching assistant part is located out of the area defined, and does not preclude the etching assistant pattern from being in the intersection also.

However, Applicants respectfully submit that notwithstanding the above, Kim discloses in FIG. 4A relied upon by the Examiner that the etch stop layer 39 and the semiconductor layer 33 formed on two different layers, and does not teach or suggest an etching assistant pattern made of the same layer as the semiconductor pattern, as in claim 1. Therefore, it is respectfully submitted that claim 1 and claims depending therefrom, i.e., claims 2-4 and 13-14, are allowable at least for this reason as defining over Kim in view of Morozumi.

Conclusion

In view of the foregoing remarks distinguishing the prior art of record, Applicants submit that this application is in condition for allowance. Early notification to this effect is requested. The Examiner is invited to contact Applicants' Attorneys at the below-listed telephone number regarding this Amendment or otherwise regarding the present application in order to address any questions or remaining issues concerning the same. If there are any charges due in connection with this response, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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